



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 27, 1998

Ms. Lydia L. Perry  
Law Offices of Robert E. Luna, P.C.  
4411 North Central Expressway  
Dallas, Texas 75205

OR98-1310

Dear Ms. Perry:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 115388.

Coppell Independent School District (the "district"), which you represent, received a request for information concerning certain named students. You assert that these records are confidential in their entirety under sections 552.026 and 552.114 of the Government Code, and the Family Educational Rights and Privacy Act of 1974 ("FERPA"), 20 U.S.C. § 1232g. You state that because the requestor has identified the students whose records are sought, "releasing a redacted version of the requested records would not suffice to protect the information contained in the documents."

We note initially that the district may withhold from disclosure information that is protected by FERPA without the necessity of requesting a decision from this office. Open Records Decision No. 634 (1995). However, as you have sought a decision from this office, we will address your arguments against disclosure. Section 552.026 of the Government Code excepts from disclosure educational records unless released in conformity with FERPA. FERPA provides that federal funding shall not be made available to "any educational agency or institution which has a policy or practice of permitting the release of educational records" of students without the written consent of the parents of a minor student. 20 U.S.C. § 1232g(b)(1). Educational records are those records that "contain information directly related to a student and are maintained by an educational agency or institution." *Id.* § 1232g(a)(4)(A).

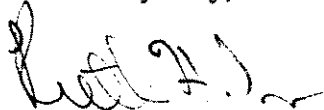
Generally, only information which would serve to identify students is excepted from disclosure under FERPA. Open Records Decision No. 332 (1982) at 3. In this situation, because the requestor has asked specifically for records that pertain only to certain named students, the responsive records generally identify the students. In this particular situation,

release of any of the responsive records would serve to identify these students. We therefore conclude that, without a valid consent to release these records, the education records at issue are confidential in their entirety and may not be disclosed.

You state that the district "seeks to confirm that, in response to similar requests in the future, it can withhold such records in their entirety without the necessity of requesting separate attorney general decisions on each requested student record or group of records, as indicated in Open Records Decision No. 634." As noted previously in Open Records Decision No. 634 (1995) this office concluded that educational agencies or institutions may withhold from public disclosure information that is protected by FERPA without the necessity of requesting an attorney general decision. Therefore, you are not required to seek a decision from this office in making a determination that records, either in part or in their entirety, are protected from disclosure under FERPA.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref.: ID# 115388

Enclosures: Submitted documents  
Open Records Decision No. 634 (1995)

cc: Mr. R.G. Harrell  
548 W. Oak Grove  
Coppell, Texas 75019  
(w/o submitted documents; w/Open Records Decision No. 634 (1995))